

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In re Applications of:	)	WT Docket No. 97-199
	)	
WESTEL SAMOA, INC.	)	File No.
	)	00560-CW-L-96
For Broadband C Block Personal	)	
Communications Systems Facilities)	)	
	)	
and	)	
	)	
WESTEL, L.P.,	)	File Nos.
	)	00129-CW-L-97
For Broadband C Block Personal	)	00862-CW-L-97
Communications Systems Facilities)	)	00863-CW-L-97
	)	00864-CW-L-97
	)	00865-CW-L-97
	)	00866-CW-L-97
	)	
	)	

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DEPOSITION OF RONIT MILSTEIN

November 20, 1997

**CERTIFIED  
COPY**

REPORTED BY: RAYNEE H. MERCADO, RPR, CSR No. 8258

ROBERT BARNES ASSOCIATES  
41 Sutter Street, Suite 619  
San Francisco, California 94104

1     whether he had contacted Mr. Breen, Mike Sullivan --  
2     Those were the two I asked him specifically about  
3     because those were people I felt needed to be contacted  
4     as soon as possible, and I thought perhaps he might want  
5     me to get them on the phone or something like that. He  
6     indicated that he had spoken to both of them.

7             Q.     Okay. Did you speak with Mr. Breen?

8             A.     That day?

9             Q.     That day by telephone.

10            A.     Yes.

11            Q.     And what was -- Who initiated the call?

12            A.     I spoke to him several times. Because he  
13     called in and I answer the telephone. I believe I  
14     initiated one call to him, which was to ask him about  
15     the message to go on the message line for the limited  
16     partners of PCS 2000. We maintained a -- an updated --  
17     a daily update of the auction results and a summary of  
18     total amounts bid in the auction. And I contacted  
19     Mr. Breen to ask him what we should put on that message  
20     regarding the error.

21            Q.     Was there a need -- Strike that.

22                    Did Mr. Easton give you any instructions as  
23     to what to put on that message, the investor -- the  
24     limited partner message?

25            A.     Mr. Easton had said that -- I'm trying to

1 think of the wording that he used. I believe at one  
2 point, he suggested that we say that there was an error  
3 that we thought was in the FCC computer.

4 Q. And were you comfortable with putting that  
5 sort of message on the --

6 A. No, I wasn't.

7 Q. -- LP report?

8 A. No, I wasn't.

9 Q. Is that what prompted your call to  
10 Mr. Breen?

11 A. That's why I called Mr. Breen.

12 Q. And when you spoke to Mr. Breen on the  
13 matter, what did he tell you to do?

14 A. He told me to call Mike Sullivan.

15 Q. And when you refer to Mike Sullivan, are  
16 you --

17 A. Mike Sullivan was the FCC counsel.

18 Q. The communications lawyer?

19 A. Communications lawyer in Washington. And  
20 that's what I did.

21 Q. And did you call Mr. Sullivan?

22 A. Yes, I did.

23 Q. And when you spoke to Mr. Sullivan, did you  
24 develop a message in conjunction with Mr. Sullivan for  
25 the limit partners?

1           A.     The following morning.

2           Q.     And where was that?

3           A.     In the office.

4           Q.     "The office" meaning the San Mateo Group?

5           A.     San Mateo -- Office of the San Mateo Group.

6           Q.     And what was your initial conversation with  
7 Mr. Breen that morning?

8           A.     I think I didn't get an opportunity to  
9 speak to him for a little while. I think he came in  
10 obviously, said his good mornings and, I think, went  
11 straight and was on the phone.

12                   When I did talk to him, I let him know that  
13 it was Cynthia's feeling that Mr. Easton had made the  
14 error and was trying to cover it up to the FCC. I told  
15 him that she had faxed a letter of resignation which was  
16 in his in box. That was about -- That was about it.

17           Q.     In the course of that conversation with  
18 Mr. Breen, did you and Mr. Breen discuss whether  
19 Ms. Hamilton was concerned that she might be blamed for  
20 the bidding error?

21           A.     I think we touched on it. I'm not sure --  
22 I -- I don't know if he said, "Is she scared she's going  
23 to get the blame?" -- or -- I think that's the way it  
24 happened. I think he said to me "Is she scared she's  
25 going to get blamed?" And I said yes, I thought she was



# FEDERAL COMMUNICATIONS COMMISSION

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IN RE:	)	
APPLICATIONS OF WESTEL SAMOA,	)	
INC. FOR BROADBAND BLOCK C	)	WT Docket No. 97-199
PERSONAL COMMUNICATIONS	)	File No. 00560-CW-L-96
SYSTEMS FACILITIES	)	
	)	File Nos. 00129-CW-L-97
AND	)	00862-CW-L-97
	)	00863-CW-L-97
WESTEL, L. P.	)	00864-CW-L-97
FOR BROADBAND BLOCK F PERSONAL	)	00865-CW-L-97
COMMUNICATIONS SYSTEMS	)	00866-CW-L-97
FACILITIES	)	

Deposition of: LAWRENCE J. MOVSHIN

Pages: 1 through 61

Place: Washington, D.C.

Date: November 25, 1997

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(202) 628-4888

1 it out. There was no -- no way to figure out where the  
2 mistake had been made. It was a very plausible explanation.

3 Q Did Mr. Breen have any input into the matter when  
4 discussing the bidding error?

5 A No. Actually, he was not paying attention at the  
6 time.

7 Q Why do you say he was not paying attention?

8 A At one point, I looked over and he was actually  
9 snoring. He was dozing.

10 Q Did you --

11 MR. TOLLIN: I do not know if that is good or bad.

12 BY MR. WEBER:

13 Q -- regularly attend board meetings of the Unicom  
14 board?

15 A I probably attended two or three during the entire  
16 process, usually they involved -- around the time when FCC  
17 eligibility matters, structuring matters, or application  
18 matters were involved.

19 Q Would you say Mr. Breen's level of interest at  
20 this board meeting of the twenty-seventh was more or less or  
21 was consistent with his level of interest at all of the  
22 board meetings you did attend?

23 A He was -- I mean, whenever he was involved in,

1 they were matters on which he otherwise wasn't aware or  
2 which were of significance to him, he was -- he was, as you  
3 would expect, an officer of the company actively involved.  
4 In matters that were of less interest to him or matters on  
5 which he wasn't particularly involved, he was -- he was like  
6 any other person attending a meeting. Mind probably  
7 wandered. He was an active participant, though.

8 Q Did he state at any point during this Saturday  
9 board meeting that he had heard allegations that Mr. Easton  
10 may have lied to the Commission?

11 A No.

12 Q You stated Ms. Milstein was in attendance at this  
13 meeting?

14 A I believe she was, yes.

15 Q Did she, at any point, state that she had heard  
16 allegations that Mr. Easton had lied to the Commission?

17 A No.

18 Q When you discussed the state of events or I forget  
19 how you termed it, but how events stood for the company at  
20 that time, what did you tell them?

21 A As best I can recall, we had told them that the --  
22 it didn't matter from the perspective of making the case  
23 where the mistake had been made. The fact is, it was an



1 A No. I don't take notes.

2 Q Can you recall what Mr. Easton had to say about  
3 Ms. Hamilton's allegations?

4 A I really don't recall specifically.

5 Q Can you recall if he refuted them in any way?

6 A I -- I believe he did not accept them. I don't  
7 remember specific refutations, but I don't believe he  
8 accepted them.

9 Q Can you recall Mr. Breen, at any point, refuting  
10 Ms. Hamilton's allegations?

11 A No. I don't -- I don't remember him being on the  
12 phone call.

13 Q Even if not that phone call, at any point?

14 A I don't remember Mr. Breen specifically refuting  
15 any particular allegation.

16 Q Do you recall any discussions with Mr. Breen  
17 regarding Ms. Hamilton's allegations?

18 A I do believe we had one conversation with him  
19 about -- about them. But I don't remember the subjects  
20 discussed.

21 Q Do you recall if he accepted the allegations?

22 A The allegations relating to Terry Easton's  
23 conduct, I believe he did. I believe he accepted that it



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CORRESPONDENCE  
FILE

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20544

IN RE APPLICATIONS OF: :

WESTEL SAMOA, INC. : WT DOCKET NO. 97-199

WESTEL, L.P. :

For Broadband Block C :

Personal Communications :

Systems Facilities. :

RECEIVED

DEC 19 1997

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

TO: Honorable Arthur I. Steinberg

Administrative Law Judge

Washington, D.C.

Tuesday, November 25, 1997

Deposition of:

MICHAEL DEUEL SULLIVAN

a witness, called for examination by Counsel on  
behalf of QUENTIN L. BREEN, pursuant to Notice,  
taken in the Law Offices of BELL BOYD & LLOYD,  
1615 L Street, N.W., Suite 1200; Washington,  
D.C. 20036-5610, before PATRICIA E. VERDISCO, a  
Verbatim Reporter and Notary Public in and for

1 he had spoken with any particular individuals at  
2 the Federal Communications Commission?

3 A He said he spoke, after being put on  
4 hold, to a Mr. Lewis Segalos.

5 Q And were you aware of Mr. Segalos's  
6 role or duties at the FCC?

7 A I was aware that he was in the Auctions  
8 Division, and I assumed, based on what Mr.  
9 Easton was telling me, that he was one of the  
10 officials responsible for conducting the  
11 auction.

12 Q Did Mr. Easton characterize the  
13 documents -- characterize to you the documents  
14 that he had faxed to the FCC?

15 A Yes, he did. He indicated to me  
16 initially that these documents proved that the  
17 bid error is the FCC's as a result of some  
18 problem either in the transmission between his  
19 computer and the FCC's or at the FCC's computer.  
20 And he was telling me this before I had seen the  
21 documents. And after seeing the documents, I  
22 then discussed with him just what these  
23 documents were.

1           A     I think I only got one draft of this  
2     from him. I can't say for certain. I know I've  
3     gotten a couple of different drafts. I know I  
4     got a draft and I got additional information in  
5     telephone conversations and follow-up -- I may  
6     have gotten some follow-up facts of additional  
7     information. I think this is the only draft I  
8     got of the statement.

9           Q     So this was represented to you as Mr.  
10    Easton's best recollection and best record of  
11    the events of the 23rd?

12          A     As of the time he sent it, yes. As I  
13    say, his recollection evolved further through  
14    the day.

15          Q     On the 24th of January 1996, did you  
16    have communications with any other PCS 2000  
17    personnel, other than Mr. Easton?

18          A     I know I had conversations with Javier  
19    Lamoso and Dan Parks. I believe I had  
20    conversations with Quentin Breen. I don't know  
21    for certain that I had conversations with Fred  
22    Martinez or Richard Reise or Larry Odell, but  
23    it's possible. We had a lot of conference

1 with Mr. Breen prior to that conversation where  
2 he indicated he was backing off from the bidding  
3 process?

4 A I assume he had, but I can't say for  
5 certain.

6 Q Was Mr. Breen party to any of the  
7 communications you had on the 24th with PCS 2000  
8 personnel?

9 A He was, in that I know I had some  
10 discussions with him about the need to get the  
11 bid withdrawn. I asked him if he had any  
12 information regarding how the bidding error  
13 could have occurred, and he didn't really have  
14 any information. He said that was -- you know,  
15 Terry was the one who was here, it was on his  
16 watch, or something to that effect.

17 I know I, at some point on the 24th or  
18 25th, sent a draft of a waiver request to  
19 several persons for review, including Javier,  
20 Quentin, and Terry, but as I recall, Quentin  
21 didn't have much substantive input, other than  
22 to say that we should make clear that we are not  
23 blaming the FCC at this point.

**CERTIFICATE OF SERVICE**

I, Ashika Weekes, a secretary in the Enforcement and Consumer Information Division, Wireless Telecommunications Bureau, certify that I have, by first class U.S. mail, this 4th day of February 1998, sent copies of the foregoing "Wireless Telecommunications Bureau's Opposition to Motion for Summary Decision" to:

**By Hand**

Administrative Law Judge Arthur I. Steinberg  
Federal Communications Commission  
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Ashika Weekes